

**Federal Acquisition Regulation
Federal Acquisition Circular 2005-90 Summary of Rules**

FAC 2005-90

<u>Item</u>	<u>Subject</u>	<u>FAR Case</u>
I	Fair Pay and Safe Workplaces	2014-025

Item I - Fair Pay and Safe Workplaces (FAR Case 2014-025)

On July 31, 2014, the President issued Executive Order 13673: Fair Pay and Safe Workplaces (EO) to require federal agencies to consider an entity's compliance with labor laws when awarding federal contracts, and to generally encourage federal contractors to comply with such laws. The EO also requires contracting agencies to designate a Labor Compliance Advisor (LCA) to facilitate successful implementation of the EO. The Assistant General Counsel for Contractor Human Resources Law has been designated DOE's LCA, and will work with DOE acquisition personnel, contractors, and the Department of Labor (DOL) to, among other things, improve contractor compliance with labor laws.

The EO also requires covered federal contractors to provide employees with information such as wage statements each pay period, and prohibits covered federal contractors from requiring employees to arbitrate Title VII and other claims regarding sexual assault or harassment, unless the employee voluntarily consents. The EO may be found at <https://www.whitehouse.gov/the-press-office/2014/07/31/executive-order-fair-pay-and-safe-workplaces>.

On August 25, 2016, the Federal Acquisition Regulatory Council issued a final rule and the DOL issued final guidance, implementing the EO. The final rule takes initial effect on October 25, 2016, with a phased-in implementation based on contract value, more specifically described by DOL on the following website: <https://www.dol.gov/asp/fairpayandsafeworkplaces/>.

The FAR Council Final Rule, as well as required solicitation provisions and contract clauses, may be found at: <https://www.federalregister.gov/articles/2016/08/25/2016-19676/federal-acquisition-regulation-fair-pay-and-safe-workplaces>

The DOL Guidance may be found at: <https://www.federalregister.gov/articles/2016/08/25/2016-19678/guidance-fair-pay-and-safe-workplaces>

Additional guidance on DOE implementation will follow.